

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/18/2011 has been entered.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Arthur Crawford on 9/14/2011.

The application has been amended as follows:

IN THE CLAIMS:

(1) Cancel claims 14-24 and 27

(2) Claim 25, lines 1-2, delete "produced by the process of claim 16" and insert therefor --according to claim 28--

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(3) Claim 26, lines 1-2, delete "produced by the process of claim 16" and insert therefor --according to claim 28--

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:

4. Matsuda (US 5,856,017) discloses a film having excellent gas barrier and retorting properties (col 1 ln 11-15). The gas barrier film comprises a plastic film of polyester (col 3 ln 18-29). Thereon Matsuda deposits an inorganic thin film (col 3 ln 38-53) having a thickness of 50-8000 Angstroms, more preferably 70-5000 Angstroms, and most preferably 100-3000 Angstroms (col 6 ln 51-54). Matsuda teaches further organic layers can be laminated onto the thin film (col 8 ln 10-12). The film is printable (col 6 ln 64-65). Matsuda is silent with regard to a polyester having the presently disclosed glass transition temperature, molecular weight, and hydroxyl value used on top of the inorganic thin film.

5. Kajimaru (US 2002/0061959) discloses a polyester resin having high waterproof, and useful as a coating [0001-4]. The polyester resin has glass transition temperature in the range of 40-100°C [0036]. The polyester resin has a hydroxyl value of less than 30mg KOH/g [0035] and a weight average molecular weight of 9,000 or more [0009]. Kajimaru teaches away from molecular weights less than 9,000, i.e., the presently claimed values, stating the resin has deficient waterproof and solvent resistance properties [0033]. Kajimaru is silent with regard to the ratio of isocyanate to the hydroxyl value of the polyester and the addition of fatty amide components.

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6. Katsuta (US 2003/0113561) teaches a water-based polyester coating cured with polyisocyanates. The polyester has a hydroxyl value of 30-200 mg KOH/g [0030]. The molecular weight of the polyester ranges from 2,000-10,000 [0030]. The ratio of isocyanate groups to hydroxyl groups ranges from 1.0-1.4 [0036]. The coating thickness ranges from 20-60 μm , which is larger than presently claimed [0069]. Katsuta is silent with regard to fatty amide and the glass transition temperature of the polyester. Katsuta teaches the film has good anti-chipping properties, which makes it suitable for automobile paint coatings [0070]. There is no teaching, suggestion, or motivation in Katsuta to use the polyester coating as a coating in a package as, e.g., taught by Matsuda.

7. Sakai (JP 2005-047964) discloses a gas barrier film comprising silicon oxide and a polyester protective layer (abstract). The polyester has a glass transition temperature in the range of 50-70°C, molecular weights ranging from 1,500-15,000, and hydroxyl values of 10-60 mg KOH/g (abstract). The reference, however, is not available for prior art. It is included herein for reference.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN FREEMAN whose telephone number is (571)270-3469. The examiner can normally be reached on Monday-Friday 9:00-6:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho can be reached on (571)272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

John Freeman
Examiner
Art Unit 1787

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Examiner, Art Unit 1787

/Jennifer C McNeil/
Supervisory Patent Examiner, Art Unit 1784